

### REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Claims 1, 5, 7, 9, 14, 16, 24, and 31 have been amended as shown at pages 5-9 of the Reply. Claims 5, 7, 9, and 24 are amended herein to cure minor typographical errors. In addition, the specification has been amended to correct minor typographical informalities as indicated at pages 2-4. Fig. 1 has been amended as described at page 10 and a replacement drawing sheet is provided herewith. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Claims 5, 6, 24, and 31**

Claims 5, 6, 24, and 31 stand objected to for various informalities. Claims 5, 24, and 31 have been amended herein to cure such typographical errors and, in light of such amendments, it is respectfully requested that this objection be withdrawn.

#### **II. Rejection of Claims 1-12, 14-21, 23-26, 29 and 31 Under 35 U.S.C. §101**

Claims 1-12, 14-21, 23-26, 29 and 31 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. It is respectfully submitted that this rejection is improper for at least the following reasons. The subject claims produce a useful, concrete and tangible result.

Because the claimed process applies the Boolean principle [abstract idea] ***to produce a useful, concrete, tangible result*** ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed.Cir. 1999) (Emphasis added); *See State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been ***reduced to some practical application rendering it "useful."*** *AT&T* at 1357 citing *In*

*re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (Emphasis added) (holding that more than an abstract idea was claimed because the claimed invention as a whole was directed toward forming a specific machine that produced the useful, concrete, and tangible result of a smooth waveform display).

Independent claims 1, 14, 16, and 31 have been amended herein to further emphasize the useful, concrete, and tangible result produced. For example, independent claim 1 (and similarly independent claims 14, 16, and 31) as amended recites a file associated with one or more unstructured properties; an item that has one or more structured properties and is a structured object representation of the file; and a file property handler that manipulates at least one of the following: the unstructured properties based on changes to the structured properties and the structured properties based on changes to the unstructured properties.

The subject claims produce a useful, concrete, and tangible result. More particularly, as recited in the claims, the file property handler manipulates unstructured properties based on changes to the structured properties and/or structured properties based on changes to the unstructured properties. This is a useful, concrete, and tangible result since the properties associated with a file and the properties associated with an item are synchronized to account for updates that occur to any of the properties independently.

Moreover, the Office Action dated February 15, 2005 contends that “the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine.” (*See* pg. 3). Accordingly, independent claims 1, 14, and 16 have been amended to recite “computer implemented” systems and methods. Therefore, it is believed that the claims as amended fall within the scope of the technological arts.

In view of the above, it is readily apparent that the claimed invention produces a useful, concrete, tangible result and is limited to practical applications in the technical arts; therefore, pursuant to *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358 (Fed.Cir. 1999), the subject claims are directed to statutory subject matter pursuant to 35 U.S.C. §101. Accordingly, this rejection should be withdrawn.

### III. Rejection of Claims 1-3, 7 and 13-15 Under 35 U.S.C. §102(e)

Claims 1-3, 7 and 13-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bhatt *et al.* (U.S. 6,799,184). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bhatt *et al.* does not anticipate or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject claims relate to manipulating unstructured properties associated with a file and/or structured properties associated with an item to enhance consistency between files and associated items when the structured properties or unstructured properties are updated independent of the other. (See pg. 4, ll. 17-20). In particular, independent claim 1 as amended (and similarly independent claim 14) recites *a file associated with one or more unstructured properties*; an *item* that has one or more structured properties and is a *structured object representation of the file*; and a *file property handler* that manipulates at least one of the following: the unstructured properties based on changes to the structured properties and the structured properties based on changes to the unstructured properties. Bhatt *et al.* fails to anticipate or suggest such claimed aspects.

More particularly, Bhatt *et al.* does not teach or suggest a file associated with one or more unstructured properties. The Office Action contends that such aspects are anticipated by Bhatt *et al.* by noting: “[s]ince these attributes [title, first name, last name] are not in a structured object such as SybXML stream object; thus, these attributes are called unstructured attributes. Unstructured attributes are presented as unstructured properties (fig. 4, col. 12, lines 35-45; col. 11, lines 56-57).” Applicants’ representative respectfully disagrees with such contentions. Bhatt *et al.* relates to enabling XML data to be extracted, transformed and stored in a database, file system or main memory. (See Abstract). The XML data, however, is not a file associated with one or more

unstructured properties. At best, XML data is *semi-structured data* as noted in Bhatt *et al.* (See col. 2, ll. 58-61). Thus, Bhatt *et al.* fails to anticipate or suggest such claimed aspects.

Furthermore, Bhatt *et al.* does not teach or suggest that *an item ... is a structured object representation of the file* as recited in independent claim 1 (and similarly in independent claim 14). Bhatt *et al.* discloses extracting, transforming, and storing XML formatted data in a relational database *via* employing an XML Store Engine, a Path Processor and an XQL Engine. (See col. 6, ll. 30-41). The XML Store Engine transforms an XML document into SybXMLData that can be stored in a database or file system. (See col. 6, ll. 41-44). The Path Processor is an interface between the XML Store Engine and the XQL Engine. (See col. 6, ll. 60-61). The XQL Engine enables querying of XML data. (See col. 6, ln. 66 – col. 7, ln. 2). Thus, Bhatt *et al.* is related to performing operations in connection with XML data. However, Bhatt *et al.* is silent regarding an item being a structured object representation of the file. Therefore, Bhatt *et al.* fails to anticipate or suggest such claimed aspects.

Moreover, Bhatt *et al.* does not teach or suggest a file property handler that manipulates at least one of the following: the unstructured properties based on changes to the structured properties and the structured properties based on changes to the unstructured properties as recited in independent claim 1 (and similarly in independent claim 14). Bhatt *et al.* discloses an XML data transform module that includes parse-time functionality that creates indices for each XML document and converts or transforms the XML document into a transformed object. (See col. 11, ll. 54-57). However, Bhatt *et al.* does not teach or suggest unstructured properties as claimed. Additionally, Bhatt *et al.* does not teach or suggest manipulating one type of property based on a change to another type of property. Bhatt *et al.* is silent regarding manipulating unstructured properties (associated with the file) based on changes to the structured properties and/or manipulating structured properties (associated with the item) based on changes to the unstructured properties. Thus, Bhatt *et al.* fails to anticipate or suggest such claimed aspects.

Bhatt *et al.* additionally does not teach or suggest that the unstructured file properties are related to a *file that is an unstructured byte stream* as recited in

independent claim 14. Bhatt *et al.* is silent regarding such claimed aspects, and instead relates to utilization of XML documents. Thus, Bhatt *et al.* fails to teach or suggest such claimed aspects.

In view of at least the foregoing, it is readily apparent that Bhatt *et al.* does not anticipate or suggest the subject invention as recited in independent claims 1 and 14 (and claims 2, 3, 7, 13, and 15 which respectively depend there from). This rejection should be withdrawn.

#### IV. Rejection of Claims 16, 18, 19, 21 and 31 Under 35 U.S.C. §102(e)

Claims 16, 18, 19, 21 and 31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Inohara *et al.* (U.S. 6,385,606). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Inohara *et al.* does not anticipate or suggest each and every element of the subject claims.

In particular, independent claim 16 (and similarly independent claim 31) as amended recites modifying a file in a structured store namespace *via* utilizing a file API based application; and ***promoting one or more properties associated with the file to accordingly update properties associated with an item that is associated with the structured store namespace, the item is a structured object representation of the file in an object store.*** Inohara *et al.* fails to anticipate or suggest such claimed aspects.

More particularly, Inohara *et al.* does not teach or suggest promoting properties associated with the file to accordingly update properties associated with an item and that the item is a structured object representation of the file in an object store. Inohara *et al.* relates to performing format conversions for files with limited user involvement. (*See* Abstract). Inohara *et al.* discloses utilizing a conversion originating file and a conversion destination file. (*See* col. 3, ll. 58-65). However, Inohara *et al.* is silent regarding the item being a structured object representation of the file in an object store. Additionally, Inohara *et al.* is silent regarding updating properties associated with an item by promoting properties associated with the file as claimed. Thus, Inohara *et al.* fails to teach or suggest such claimed aspects.

In view of at least the foregoing, it is readily apparent that Inohara *et al.* does not anticipate or suggest the subject invention as recited in independent claims 16 and 31

(and claims 18, 19, and 21 which respectively depend there from). This rejection should be withdrawn.

**V. Rejection of Claims 4, 5, 6, 8, 9 and 12 Under 35 U.S.C. §103(a)**

Claims 4, 5, 6, 8, 9 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bhatt *et al.* (U.S. 6,799,184) in view of Inohara *et al.* (U.S. 6,385,606). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Bhatt *et al.* and Inohara *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Inohara *et al.* does not make up for the aforementioned deficiencies of Bhatt *et al.* with respect to independent claim 1 (which claims 4, 5, 6, 8, 9, and 12 depend from). Therefore, the subject invention as recited in claims 4, 5, 6, 8, 9, and 12 is not obvious over the combination of Bhatt *et al.* and Inohara *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

**VI. Rejection of Claims 10 and 11 Under 35 U.S.C. §103(a)**

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bhatt *et al.* (U.S. 6,799,184) in view of Abdelnur *et al.* (U.S. 6,429,882). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Bhatt *et al.* and Abdelnur *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Abdelnur *et al.* does not make up for the aforementioned deficiencies of Bhatt *et al.* with respect to independent claim 1 (which claims 10 and 11 depend from). Therefore, the subject invention as recited in claims 10 and 11 is not obvious over the combination of Bhatt *et al.* and Abdelnur *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

**VII. Rejection of Claims 17, 25-27, 29 and 30 Under 35 U.S.C. §103(a)**

Claims 17, 25-27, 29 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Inohara *et al.* (U.S. 6,385,606) in view of Bhatt *et al.* (US 6,799,184). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Inohara *et al.* and Bhatt *et al.*, individually or in combination, do not teach or

suggest each and every element set forth in the subject claims. In particular, Bhatt *et al.* does not make up for the aforementioned deficiencies of Inohara *et al.* with respect to independent claim 16 (which claims 17, 25-27, 29, and 30 depend from). Therefore, the subject invention as recited in claims 17, 25-27, 29, and 30 is not obvious over the combination of Inohara *et al.* and Bhatt *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

**VIII. Rejection of Claim 20 Under 35 U.S.C. §103(a)**

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Inohara *et al.* (U.S. 6,385,606) in view of Lee *et al.* (U.S. 6,061,696). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Inohara *et al.* and Lee *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claim. In particular, Lee *et al.* does not make up for the aforementioned deficiencies of Inohara *et al.* with respect to independent claim 16 (which claim 20 depends from). Therefore, the subject invention as recited in claim 20 is not obvious over the combination of Inohara *et al.* and Lee *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

**IX. Rejection of Claims 22 and 24 Under 35 U.S.C. §103(a)**

Claims 22 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable Inohara *et al.* (US 6,385,606) in view of Fitzsimons *et al.* (U.S. 6,708,189). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Inohara *et al.* and Fitzsimons *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Fitzsimons *et al.* does not make up for the aforementioned deficiencies of Inohara *et al.* with respect to independent claim 16 (which claims 22 and 24 depend from). Therefore, the subject invention as recited in claims 22 and 24 is not obvious over the combination of Inohara *et al.* and Fitzsimons *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

**X. Rejection of Claim 23 Under 35 U.S.C. §103(a)**

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Inohara *et al.* (U.S. 6,385,606) in view of Ahluwalia (U.S. 6,728,685). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Inohara *et al.* and Ahluwalia, individually or in combination, do not teach or suggest each and every element set forth in the subject claim. In particular, Ahluwalia does not make up for the aforementioned deficiencies of Inohara *et al.* with respect to independent claim 16 (which claim 23 depends from). Therefore, the subject invention as recited in claim 23 is not obvious over the combination of Inohara *et al.* and Ahluwalia. Thus, it is respectfully submitted that this rejection be withdrawn.

**XI. Rejection of Claim 28 Under 35 U.S.C. §103(a)**

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Inohara *et al.* (U.S. 6,385,606) in view of Bhatt *et al.* (U.S. 6,799,184) and further in view of Fitzsimons *et al.* (U.S. 6,708,189). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Inohara *et al.*, Bhatt *et al.* and Fitzsimons *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claim. In particular, Bhatt *et al.* and Fitzsimons *et al.* do not make up for the aforementioned deficiencies of Inohara *et al.* with respect to independent claim 16 (which claim 28 depends from). Therefore, the subject invention as recited in claim 28 is not obvious over the combination of Inohara *et al.*, Bhatt *et al.* and Fitzsimons *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.



CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS**

The attached drawing sheet includes an amendment to Fig. 1 that corrects a minor typographical error. No new matter is being added by this drawing amendment. This sheet replaces the original sheet comprising Fig. 1.

Attachment: Replacement Sheet